

Message Text

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C O N F I D E N T I A L STATE 137618

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E.O. 11652: GDS

TAGS: SHUM, LE

SUBJECT: HUMAN RIGHTS - COUNTRY EVALUATION FOR LEBANON

REF: STATE 133681

1. FOLLOWING FOR YOUR REVIEW AND COMMENT IS NEA/ARN'S DRAFT
COUNTRY EVALUATION PLAN WITH REGARD TO THE HUMAN RIGHTS
SITUATION IN LEBANON. PLEASE REPORT REACTIONS SOONEST.

2. BEGIN TEXT:

A. CONDITION OF HUMAN RIGHTS IN LEBANON - LEBANON HAS JUST
EMERGED TENTATIVELY FROM A YEAR AND A HALF OF BITTER CIVIL
STRIFE, WHICH SHATTERED THE TRADITIONAL DELICATE POLITICAL
AND SOCIAL BALANCE AMONG ITS MANY RELIGIOUS AND POLITICAL
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GROUPINGS. A SIZEABLE ARAB MILITARY FORCE, ACTING WITH THE
CONSENT OF THE LEBANESE GOVERNMENT AND UNDER THE MANDATE
OF THE ARAB LEAGUE, HAS BEEN ABLE TO ESTABLISH RELATIVE
SECURITY IN MOST PARTS OF THE COUNTRY, PREVENTING GROSS
VIOLATIONS OF THE PRESENT CEASEFIRE. THE PRESENT POLITICAL
SITUATION, HOWEVER, IS VERY FRAGILE. THE PRESIDENT AND
HIS CABINET HAVE BEGUN THE PROCESS OF RESTORING NORMALITY,

INCLUDING THE REINSTITUTION OF A FLEDGLING COURT SYSTEM, BUT MUCH OF THE ADMINISTRATIVE MACHINERY OF THE STATE WAS SWEEPED AWAY IN THE MONTHS OF INTERNECINE CONFLICT AND PROBABLY CAN BE REPLACED ONLY GRADUALLY. IN THE MEANTIME, THE PROJECTED DISARMING OF PRIVATE MILITIAS AS WELL AS A RESOLUTION OF UNDERLYING POLITICAL DIFFERENCES REMAINS TO BE ACCOMPLISHED. THE GOVERNMENT REQUESTED OF THE PARLIAMENT TEMPORARY EXTRAORDINARY POWERS - INCLUDING PRESS CENSORSHIP AUTHORITY - TO COPE WITH THE PRESENT SITUATION.

THE LEBANESE CONSTITUTION PROVIDES SIGNIFICANT SAFEGUARDS FOR HUMAN RIGHTS. BY LAW, LEBANESE CITIZENS ARE EQUAL, HAVE THE SAME CIVIL AND POLITICAL RIGHTS AND EQUAL PUBLIC OBLIGATIONS. PERSONAL LIBERTY AND FREEDOM FROM ARBITRARY ARREST, FREE SPEECH AND PRESS, AND FREE ASSEMBLY ARE ALSO GUARANTEED ALONG WITH OTHER UNIVERSALLY RECOGNIZED HUMAN RIGHTS.

1. INTEGRITY OF THE PERSON - IT WAS NOT POSSIBLE FOR THE GOVERNMENT TO PROTECT THE RIGHTS OF LEBANESE CITIZENS TO LIFE, LIBERTY AND INTEGRITY OF THE PERSON, UNDER CONDITIONS OF GENERALIZED FIGHTING WHICH PREVAILED UNTIL QUITE RECENTLY. THE GOVERNMENT IS NOW TAKING STEPS TO RESTORE ORDER AND THE INSTITUTIONS NECESSARY TO PROTECT THESE RIGHTS.

TORTURE AND OTHER FORMS OF CRUEL AND INHUMAN TREATMENT HAD BEEN PERPETRATED BY PRIVATE MILITIAS AND GANGS WHICH PROLIFERATED DURING THE COMMUNAL FIGHTING; ROUGH AND READY TREATMENT IN INTERROGATIONS IN MORE NORMAL PERIODS IS NOT CONFIDENTIAL

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UNKNOWN, BUT IT HAS NOT BEEN A REGULAR SYSTEMATIC PRACTICE.

IN NORMAL TIMES LEBANESE CITIZENS WOULD HAVE RECOURSE TO JUDICIAL REMEDIES TO THE VIOLATIONS OF THEIR RIGHTS, BUT THIS POSSIBILITY COULD NO LONGER BE REALIZED DURING THE BREAKDOWN OF CIVIL ORDER. THE GOVERNMENT IS WORKING FOR THE RECREATION OF THE JUDICIAL SYSTEM.

TRADITIONALLY LEBANESE CITIZENS HAVE NOT HAD TO CONCERN THEMSELVES ABOUT ARBITRARY ARREST AND DETENTION, OR EXILE, WHICH WERE ALIEN CONCEPTS IN A COUNTRY KNOWN FOR ITS FREE, LAISSEZ-FAIRE LIFESTYLE. DURING THE FACTIONAL FIGHTING, HOWEVER, MANY INNOCENT CIVILIANS WERE MADE HOSTAGES AND PRISONERS OF VARIOUS OF THE FACTIONS. LEBANESE HAVE BEEN FORCED TO FLEE FOR SAFETY TO OTHER PLACES WITHIN THE COUNTRY OR, IN A LIMITED NUMBER OF CASES, ABROAD. MANY OF THESE WHO FLED ABROAD ARE NOW RETURNING.

IN NORMAL TIMES, A HEARING WAS USUALLY HELD SHORTLY AFTER

ARREST TO DETERMINE THE RIGHTS OF THE PRISONER AND THE CHARGES AGAINST HIM.

UNDER PRESENT UNSETTLED CONDITIONS THE QUESTION OF THE RIGHT TO A FAIR TRIAL, ACCEPTED BY THE GOVERNMENT IN PRINCIPLE, IS MOOT PENDING A FULL RESTORATION OF THE JUDICIAL SYSTEM.

2. CIVIL AND POLITICAL LIBERTIES - ALTHOUGH DISCRIMINATION HAS LONG BEEN ILLEGAL IN LEBANON, RELIGIOUS AND POLITICAL DISTINCTIONS ARE SHARPLY DRAWN. THE VARIOUS GROUPS HAD ACHIEVED A SUCCESSFUL COEXISTENCE THROUGH A DELICATE BALANCE OF POWER WHICH HUNG FROM TRADITIONAL LEBANESE TOLERANCE AND PRACTICALITY. THE STRUCTURE HAS BEEN SERIOUSLY SHAKEN DURING THE FIGHTING, WHICH UNLEASHED STRONG PASSIONS. THE DIFFICULT STRUGGLE TO REESTABLISH A BASIS ON WHICH A PEACEFUL SOCIETY CAN BE RESTORED HAS THUS FAR HAD MIXED RE-CONFIDENTIAL

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SULTS.

BEFORE THE CIVIL WAR ERUPTED, LEBANESE COULD MOVE FREELY ABOUT THE COUNTRY AND TRAVEL THE WORLD AS THEIR ANCESTORS DID. DURING THE CONFLICT, HOWEVER, ARMED UNITS ESTABLISHED ROADBLOCKS AND OTHER CONTROLS WHICH RESTRICTED FREEDOM OF INTERNAL MOVEMENT AND MANY CHECKPOINTS, MANNED LARGELY BY ARAB LEAGUE FORCES, REMAIN IN PLACE TODAY AS A SECURITY MEASURE.

PROPERTY RIGHTS HAVE TRADITIONALLY BEEN RESPECTED IN LEBANON BUT THE GOVERNMENT WAS UNABLE TO PREVENT THE WIDESPREAD DESTRUCTION OF PROPERTY DURING THE FIGHTING.

LEBANON WAS FOUNDED TO ENABLF VARIOUS RELIGIOUS GROUPS LIVING ON ITS MEDITERRANEAN LITTORAL TO PRACTICE THEIR BELIEFS IN FREEDOM, WHILE THE COUNTRY IS PRESENTLY DIVIDED PARTLY ALONG RELIGIOUS LINES, POLITICAL POWER IS THE PRIMARY ISSUE, NOT RELIGIOUS INTOLERANCE.

TRADITIONALLY, LEBANON HAS BEEN A HAVEN OF FREE EXPRESSION; ITS PRESS HAS BEEN A MAJOR INFLUENCE IN THE REGION. THE EXTENT OF PRESS FREEDOM IN THE PRESENT UNSETTLED CIRCUMSTANCES IS A SUBJECT OF DEBATE WITHIN LEBANON. THE FREEDOM OF ASSEMBLY HAS ALSO BEEN RESPECTED. THESE AND OTHER RIGHTS CANNOT BE FULLY PROTECTED UNDER THE PRESENT CIRCUMSTANCES.

3. BASIC NEEDS - PRIOR TO THE CIVIL WAR, LEBANON'S ECONOMIC SYSTEM WAS BASED ALMOST TOTALLY ON THE LAISSEZ-FAIRE CONCEPT OF UNINHIBITED INDIVIDUAL AND PRIVATE ENTERPRISE. THIS APPROACH BROUGHT THE LEBANESE A REMARKABLE DEGREE OF

PROSPERITY, THE FRUITS OF WHICH, HOWEVER, TENDED TO FILTER LESS AND LESS TO LEBANON'S UNDER-RIVILEGED CLASSES OVER TIME. THE LEBANESE SYSTEM'S INABILITY TO RESPOND EFFECTIVELY TO THE NEEDS AND RISING EXPECTATIONS OF THESE CLASSES WAS A FACTOR (NOT THE ONLY ONE, BY ANY MEANS) THAT CON-

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TRIBUTED TO THE DETERIORATION OF THE POLITICAL AND SOCIAL

FABRIC OF THE COUNTRY PRIOR TO THE OUTBREAK OF CIVIL CONFLICT IN 1975. THERE IS EVIDENCE THAT THE NEW LEADERSHIP WISHES TO UNDERTAKE MAJOR SOCIAL AND ECONOMIC REFORMS WHEN AND IF COUNTRY-WIDE SECURITY IS ESTABLISHED.

4. GOVERNMENTAL RESPONSIBILITY - PRESIDENT SARKIS, WHO WAS ELECTED IN SEPTEMBER 1976, AND THE PRESENT LEBANESE CABINET UNDER PRIME MINISTER AL-HOSS BEAR NO RESPONSIBILITY FOR THE CONDITIONS AND CIRCUMSTANCES THAT PLUNGED LEBANON INTO ANARCHY AND CHAOS. THEY ARE ENDEAVORING, IN THE FACE OF GREAT ODDS, TO REUNIFY AND RECONSTRUCT THE COUNTRY, ITS SOCIAL FABRIC, AND INSTITUTIONS ON A NEW AND SOUNDER FOOTING THAN EXISTED IN THE PAST.

5. REACTION TO ADVERSE HUMAN RIGHTS ALLEGATIONS - THE REACTION OF PAST LEBANESE GOVERNMENTS TO ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS WAS TO PROCLAIM, WITH CONSIDERABLE INDIGNATION, THEIR COUNTRY'S HISTORICAL ROLE AS A HAVEN FOR TOLERANCE, BROTHERHOOD AND HUMANITARIANISM IN THE TURBULENT MIDDLE EAST. LEBANON'S PRESENT RULERS ARE REALISTIC ENOUGH TO REALIZE THAT THIS IMAGE HAS BEEN TARNISHED BY THE RECENT CONFLICT, AND THEY ARE ANXIOUS TO REFURBISH IT AS RAPIDLY AS POSSIBLE.

B. ANALYSIS AND RECOMMENDATIONS - OUR SOLE HUMAN RIGHTS OBJECTIVE IN LEBANON IS THE SAME AS OUR OVERALL OBJECTIVE IN THAT COUNTRY: TO FACILITATE THE RESTORATION AND SURVIVAL OF A UNIFIED, MODERATE AND FRIENDLY CENTRAL GOVERNMENT THAT WILL PROVE INCREASINGLY CAPABLE OF ENSURING SECURITY THROUGHOUT THE COUNTRY AND OF CARRYING OUT THE RECONSTRUCTION OF ITS POLITICAL AND SOCIO-ECONOMIC FABRIC ON A SOUNDER BASIS THAN EXISTED IN THE PAST. OUR POLITICAL AND ECONOMIC EFFORTS TO ASSIST THE SARKIS REGIME TO ACHIEVE THESE GOALS - BUTTRESSED BY OUR CONTINUED ACTIVE PURSUIT

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OF A JUST AND PEACEFUL SETTLEMENT OF THE MIDDLE EAST CON-

FLICT - OFFER THE ONLY SURE MEANS OF IMPROVING THE HUMAN
RIGHTS SITUATION IN LEBANON, BOTH IN THE SHORT AND LONG
TERM. CHRISTOPHER

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